



Reprinted  
February 5, 2004

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## HOUSE BILL No. 1278

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DIGEST OF HB 1278 (Updated February 4, 2004 10:42 pm - DI 44)

**Citations Affected:** IC 36-4.

**Synopsis:** Taxation of annexed land. Allows Brownsburg and Pendleton to exempt annexed agricultural land from municipal property tax liability until the land is rezoned under a different classification. Provides that land annexed under this provision may not be considered a part of the municipality for additional involuntary annexations.

**Effective:** July 1, 2004.

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### Whetstone, Reske

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January 15, 2004, read first time and referred to Committee on Ways and Means.  
January 29, 2004, reported — Do Pass.  
February 4, 2004, read second time, amended, ordered engrossed.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## HOUSE BILL No. 1278

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A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 36-4-3-4.1, AS AMENDED BY P.L.170-2002,  
2 SECTION 142, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2004]: Sec. 4.1. (a) This section applies to the  
4 following:

5 (1) A town having a population of:

6 (A) more than fifteen thousand (15,000); ~~or~~

7 (B) more than five thousand (5,000) but less than six thousand  
8 three hundred (6,300); ~~or~~

9 (C) **more than ten thousand (10,000) but less than fifteen**  
10 **thousand (15,000);**

11 located in a county having a population of more than one hundred  
12 thousand (100,000) but less than one hundred five thousand  
13 (105,000).

14 (2) A city having a population of more than thirty-two thousand  
15 eight hundred (32,800) but less than thirty-three thousand  
16 (33,000).

17 (3) A municipality that is located in a county having a population

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of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(4) A town having a population of more than nine thousand (9,000) but less than thirty thousand (30,000) located in a county having a population of more than one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790).

**(5) A town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000).**

(b) Except as provided in subsection (c), the legislative body of a municipality to which this section applies may, by ordinance, annex territory that:

(1) is contiguous to the municipality;

(2) in the case of a municipality described in subsection ~~(a)(1)~~ **(a)(1)(A) or (a)(1)(B)**, has its entire area within the township within which the municipality is primarily located; and

(3) is owned by a property owner who consents to the annexation.

(c) Subsection (b)(2) does not apply to a town having a population of:

(1) more than five thousand (5,000) but less than eight thousand (8,000); or

(2) more than nine thousand (9,000) but less than twelve thousand five hundred (12,500);

in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(d) Territory annexed under this section is exempt from all property tax liability under IC 6-1.1 for municipal purposes for all portions of the annexed territory that is classified for zoning purposes as agriculture and remains exempt from the property tax liability while the property's zoning classification remains agriculture.

(e) There may not be a change in the zoning classification of territory annexed under this section without the consent of the owner of the annexed territory.

**(f) Except as provided in subsection (g), territory annexed under this section may not be considered a part of the municipality for the purposes of involuntarily annexing additional territory.**

**(g) Territory annexed under this section shall be considered a part of the municipality for purposes of annexing additional territory under section 5 or section 5.1 of this chapter.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1278, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CRAWFORD, Chair

Committee Vote: yeas 24, nays 1.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1278 be amended to read as follows:

Page 2, after line 31 , begin a new paragraph and insert:

**"(f) Except as provided in subsection (g), territory annexed under this section may not be considered a part of the municipality for the purposes of involuntarily annexing additional territory.**

**(g) Territory annexed under this section shall be considered a part of the municipality for purposes of annexing additional territory under section 5 or section 5.1 of this chapter."**

(Reference is to HB 1278 as printed January 30, 2004.)

WHETSTONE

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 HOUSE MOTION

Mr. Speaker: I move that House Bill 1278 be amended to read as follows:

Page 2, between lines 7 and 8, begin a new line block indented and insert:

**"(5) A town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000)."**

(Reference is to HB 1278 as printed January 30, 2004.)

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